

## Senate Bill No. 1006

### CHAPTER 969

An act to amend Sections 116775, 116780, and 116785 of, and to add Section 116786 to, the Health and Safety Code, relating to drinking water.

[Approved by Governor October 10, 1999. Filed  
with Secretary of State October 10, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1006, Costa. Drinking water: water softening and conditioning devices.

Existing law prohibits a residential water softening or conditioning appliance from being installed except in certain circumstances, including when the regeneration of the appliance discharges to the waste disposal system of the residence where the appliance is used and certain other conditions are satisfied. These conditions include the requirement that the appliance is certified to control the quantity of salt used per regeneration by a preset device and the settings of the device are limited so that a specified salt efficiency rating is achieved.

This bill would revise and recast these provisions, and would authorize a local agency, as defined, to prospectively limit the availability of residential water softening or conditioning appliances to appliances that activate regeneration by demand control. It would also authorize a local agency, by ordinance, to limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the community sewer system if the local agency makes certain findings and includes them in the ordinance.

*The people of the State of California do enact as follows:*

SECTION 1. Section 116775 of the Health and Safety Code is amended to read:

116775. The Legislature hereby finds and declares that the utilization of the waters of the state by residential consumers for general domestic purposes, including drinking, cleaning, washing, and personal grooming and sanitation of the people is a right that should be interfered with only when necessary for specified health and safety purposes or to protect the quality of the waters of the state. The Legislature further finds that variation in water quality, and particularly in water hardness, throughout the state often requires that onsite water softening or conditioning be available to domestic

consumers to ensure their right to a water supply that is effective and functional for domestic requirements of the residential household, but that residential water softening or conditioning appliances shall be available only as authorized in this article.

SEC. 2. Section 116780 of the Health and Safety Code is amended to read:

116780. (a) Unless the context otherwise requires the definitions in this section govern the construction of this article.

(b) “Clock control” means the system controlling the periodic automatic regeneration of a residential water softening or conditioning appliance that is based upon a predetermined and preset time schedule.

(c) “Demand control” means the system controlling the periodic automatic regeneration of a residential water softening or conditioning appliance that is based either upon a sensor that detects imminent exhaustion of the active softening or conditioning material or upon the measurement of the volume of water passing through the appliance. A demand control system activates regeneration based upon the state of the equipment and its ability to continue the softening process.

(d) “Fully manual regeneration” means the method of regeneration of a residential water softening or conditioning appliance in which operations are performed manually and in which dry salt is added directly to the ion-exchanger tank after sufficient water is removed to make room for the salt.

(e) “Hardness” means the total of all dissolved calcium, magnesium, iron and other heavy metal salts, that interact with soaps and detergents in a manner that the efficiency of soaps and detergents for cleansing purposes is impaired. Hardness is expressed in grains per gallon or milligrams per liter as if all such salts were present as calcium carbonate.

(f) “Local agency” means a city, county, city and county, district, or any other political subdivision of the state.

(g) “Manually initiated control” means the system controlling the periodic regeneration of a residential water softening or conditioning appliance in which all operations, including bypass of hard water and return to service, are performed automatically after manual initiation.

(h) “Regeneration” means the phase of operation of a water softening or conditioning appliance whereby the capability of the appliance to remove hardness from water is renewed by the application of a brine solution of sodium or potassium chloride salt to the active softening or conditioning material contained therein followed by a subsequent rinsing of the active softening or conditioning material.

(i) “Salt efficiency rating” means the efficiency of the use of sodium chloride salt in the regeneration of a water softening



appliance, expressed in terms of hardness removal capacity of the appliance per pound of salt used in the regeneration process. The units of salt efficiency rating are grains of hardness removed per pound of salt used. One grain of hardness per gallon is approximately equivalent to 17.1 milligrams of hardness per liter.

SEC. 3. Section 116785 of the Health and Safety Code is amended to read:

116785. Except as provided in Section 116786, a residential water softening or conditioning appliance may be installed only if either of the following apply:

(a) The regeneration of the appliance is performed at a nonresidential facility separate from the location of the residence where the appliance is used.

(b) The regeneration of the appliance discharges to the community sewer system and all of the following conditions are satisfied:

(1) The appliance activates regeneration by demand control.

(2) An appliance installed on or after January 1, 2000, shall be certified by a third party rating organization using industry standards to have a salt efficiency rating of no less than 3,350 grains of hardness removed per pound of salt used in regeneration. An appliance installed on or after January 1, 2002, shall be certified by a third party rating organization using industry standards to have a salt efficiency rating of no less than 4,000 grains of hardness removed per pound of salt used in regeneration.

(3) The installation of the appliance is accompanied by the simultaneous installation of the following softened or conditioned water conservation devices on all fixtures using softened or conditioned water, unless the devices are already in place or are prohibited by local and state plumbing and building standards or unless the devices will adversely restrict the normal operation of the fixtures:

(A) Faucet flow restrictors.

(B) Shower head restrictors.

(C) Toilet reservoir dams.

(D) A piping system installed so that untreated (unsoftened or unconditioned) supply water is carried to hose bibs and sill cocks that serve water to the outside of the house, except that bypass valves may be installed on homes with slab foundations constructed prior to the date of installation; or condominiums constructed prior to the date of installation; or otherwise where a piping system is physically inhibited.

SEC. 4. Section 116786 is added to the Health and Safety Code, to read:

116786. (a) Notwithstanding subdivision (b) of Section 116785, a local agency may, by ordinance, limit the availability, or prohibit the installation, of residential water softening or conditioning appliances



that discharge to the community sewer system if the local agency makes all of the following findings and includes them in the ordinance:

(1) The local agency is not in compliance with waste discharge requirements issued by the California regional water quality control board pursuant to Chapter 5.5 (commencing with Section 13370) of Division 7 of the Water Code.

(2) Limiting the availability, or prohibiting the installation, of the appliances is the only available means of achieving compliance with waste discharge requirements issued by the California regional water quality control board.

(3) The local agency has adopted and is enforcing regulatory requirements that limit the volumes and concentrations of saline discharges from nonresidential sources in the community waste disposal system to the extent technologically and economically feasible.

(b) Notwithstanding subdivision (b) of Section 116785, a local agency may, by ordinance, limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the community sewer system if the local agency makes all of the following findings and includes them in the ordinance:

(1) The local agency is not in compliance with water reclamation requirements, or a master reclamation permit, issued by the California regional water quality control board pursuant to Article 4 (commencing with Section 13520) of Chapter 7 of Division 7 of the Water Code.

(2) Limiting the availability, or prohibiting the installation, of the appliances is the only available means of achieving compliance with the water reclamation requirements or the master reclamation permit issued by a California regional water quality control board.

(3) The local agency has adopted, and is enforcing, regulatory requirements that limit the volumes and concentrations of saline discharges from nonresidential sources to the community waste disposal system to the extent technologically and economically feasible.

(c) Local agency findings shall be substantiated by an independent study of discharges from all sources of salinity, including, but not limited to, residential water softening or conditioning appliances, residential consumptive use, industrial and commercial discharges, and seawater or brackish water infiltration and inflow into the sewer collection system. The study shall quantify, to the greatest extent feasible, the total discharge from each source of salinity and identify remedial actions taken to reduce the discharge of salinity into the community sewer system from each source, to the extent technologically and economically feasible, to bring the local agency into compliance with waste discharge requirements, water



reclamation requirements, or a master reclamation permit, prior to limiting or prohibiting the use of residential water softening or conditioning appliances.

(d) Any ordinance adopted pursuant to this section shall be prospective in nature and may not require the removal of residential water softening or conditioning appliances that are installed before the effective date of the ordinance.

(e) To comply with this section, any local agency described in subdivision (f) of Section 116780 is authorized to adopt an ordinance

(f) This section shall become operative on January 1, 2003.

